
Appendix A

Local Involvement and Support Letters

Solano County Department of Environmental Management

MegaSand

Delta Protection Commission

April 5, 1999

Mr. Brian Parker
Principal Planner
Solano County Department of Environmental Management
Planning Division
601 Texas Street
Fairfield, CA 94533

Subject: Proposal to CALFED to Implement Decker Island Tidal Wetland Enhancement Pilot Project

Dear Mr. Parker:

This letter follows our telephone conversation of April 2, 1999, and my conversation with Matt Walsh on March 30, 1999. Surface Water Resources, Inc. (SWRI) plans to submit a proposal to CALFED for the subject project. The project would implement plans developed by the Port of Sacramento (Port) through an earlier CALFED project on which your agency was consulted in 1997.

The Decker Island Tidal Wetland Enhancement Pilot Project would involve the restoration and monitoring of a tidal wetland on the Port's 140-acre portion of Decker Island. Decker Island is bordered on the east by Horseshoe Bend of the original Sacramento River channel and on the west by the Deepwater Ship Channel, near the town of Rio Vista. **Figure 1** is a regional map showing the location of Decker Island.

We understand that the Solano County Department of Environmental Management may require approval for modifying the land use at the project site. The need for such approval would depend upon final arrangements for land rights (e.g., permanent easement versus title transfer to another public agency). As currently envisioned, an agreement for land rights would be finalized before the project could be implemented. It is anticipated that land rights would be finalized in 1999 with project implementation in late 1999 or early 2000. SWRI would work with your agency to identify and then obtain necessary approvals.

The objectives of the Decker Island Tidal Wetland Enhancement Pilot Project are to:

- Create self-sustaining tidally influenced wetland habitat that directly benefits special-status aquatic species (e.g., delta smelt, Sacramento splittail, all runs of chinook salmon, and steelhead), and indirectly benefits riparian and terrestrial species in an area (between Browns Island and Cache Slough/Prospect Island) where such resources are limited.
- Structure the enhancements and monitoring program as a pilot project that provides fish species habitat use, ecosystem development, and fish monitoring knowledge that directly benefits ongoing planning efforts for future larger-scale Delta restoration plans.

Mr. Brian Parker
April 5, 1999
Page Two

SWRI SURFACE WATER
RESOURCES, INC.

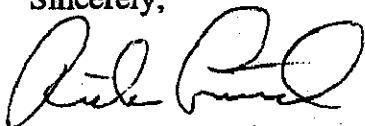
The proposed aquatic and terrestrial habitat improvements will be accomplished by exposing up to approximately 100 acres to tidal flows (higher-high tide level) and by planting vegetation in selected areas to promote riparian and upland revegetation of the project site. The parcel has been used most recently for grazing, and historically for growing grain.

Tidal flow design includes construction of a riverbank breach and two tidal feeder channels into the interior of the island. Terrestrial habitat plantings will occur in two areas—on the riverbank and on habitat mounds designed to provide habitat diversity within the newly created tidal wetland. In addition, treatment is proposed to accelerate natural revegetation and elimination of star thistle on the upland portion of the project site. Figure 2 shows the overall project design relative to the 140-acre site.

The project team responsible for implementing the project would include SWRI, Hanson Environmental, Inc. (HEI), and Laugenour and Meikle (L&M). SWRI would likely be responsible for project management.

We will provide you with a copy of the proposal when it is submitted to CALFED. We look forward to continuing to work with your agency on this project. Please feel free to contact me at (916) 325-4042 with any questions.

Sincerely,



Rick Lind
Senior Project Manager

Enclosure

cc: John Sulpizio, Director
Port of Sacramento

Solano County Board of Supervisors

Figure 1 - Regional Location and Project Area

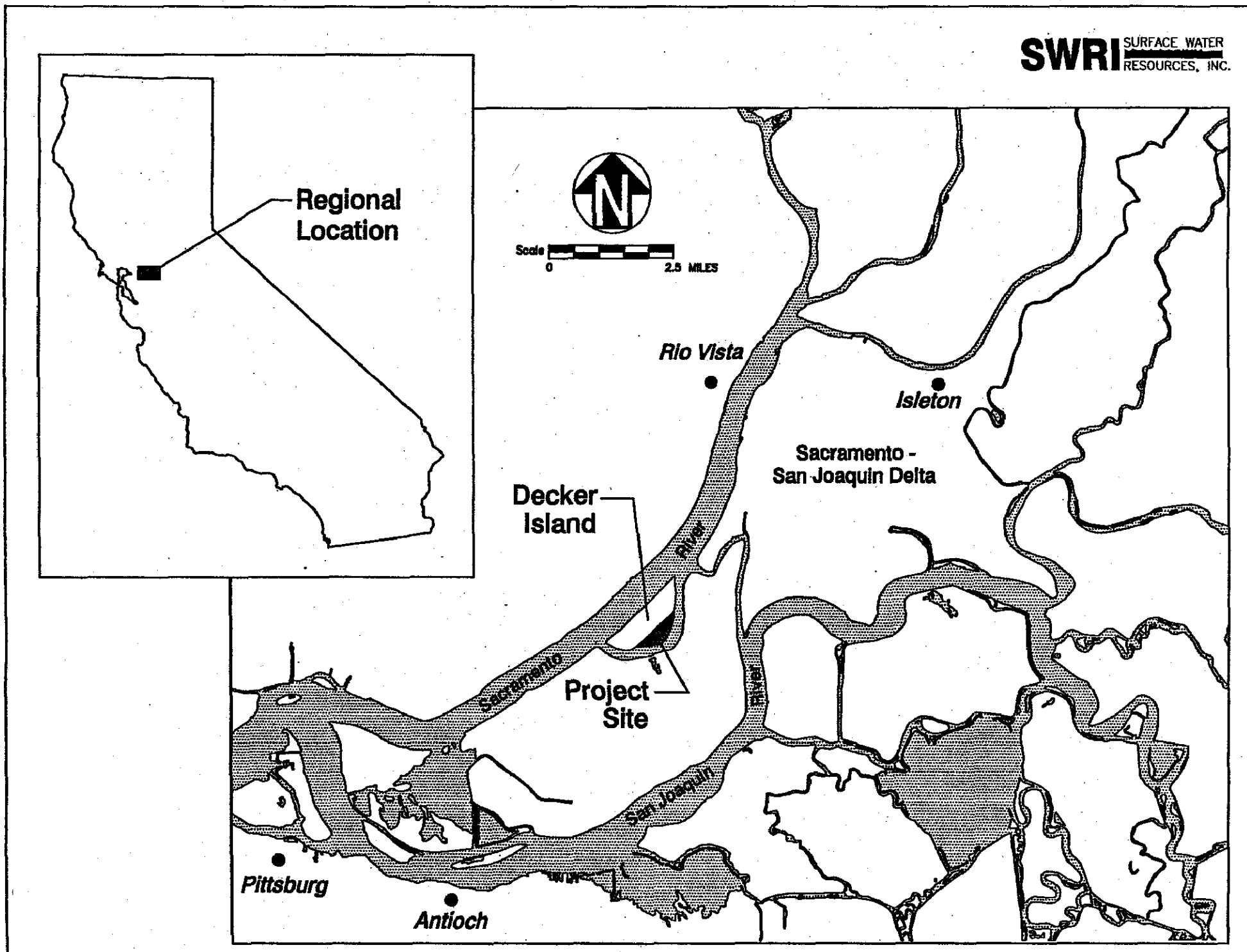


Figure 2

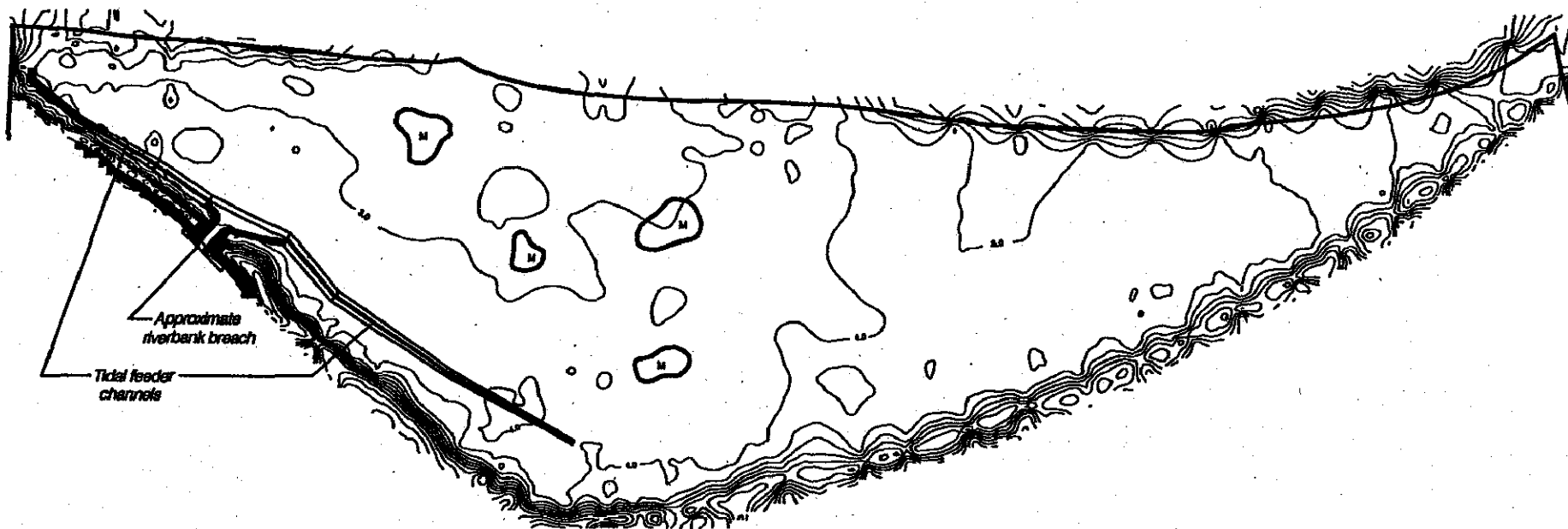
DECKER ISLAND TIDAL WETLAND ENHANCEMENT PILOT PROJECT

LEGEND



Port property boundary (approximate)

Mounds (approximately 1.8 total acres) to be created from proposed channel excavation



Scale
0 300 600 feet

SWRI SURFACE WATER
RESOURCES, INC.

DRAFT - Subject to Revision 4/6/99

April 6, 1999

Mr. Richard Block
MegaSand
P.O. Box 397
Antioch, CA 94509

Subject: Proposal to CALFED to Implement Decker Island Tidal Wetland Enhancement Pilot Project

Dear Mr. Block;

This letter follows our telephone conversation of April 2, 1999. Surface Water Resources, Inc. (SWRI) plans to submit a proposal to CALFED for the subject project. The project would implement plans developed by the Port of Sacramento (Port) through an earlier CALFED project on which MegaSound was consulted in 1997.

You have previously assisted us with the Decker Island project through consultations and use of MegaSand's dock and loading area adjacent to the Port property on Horseshoe Bend. We understand that MegaSand continues to offer this support as part of the currently proposed implementation phase of the project.

The Decker Island Tidal Wetland Enhancement Pilot Project would involve the restoration and monitoring of a tidal wetland on the Port's 140-acre portion of Decker Island. **Figure 1** is a regional map showing the project location.

The objectives of the Decker Island Tidal Wetland Enhancement Pilot Project are to:

- Create self-sustaining tidally influenced wetland habitat that directly benefits special-status aquatic species (e.g., delta smelt, Sacramento splittail, all runs of chinook salmon, and steelhead), and indirectly benefits riparian and terrestrial species in an area (between Browns Island and Cache Slough/Prospect Island) where such resources are limited.
- Structure the enhancements and monitoring program as a pilot project that provides fish species habitat use, ecosystem development, and fish monitoring knowledge that directly benefits ongoing planning efforts for future larger-scale Delta restoration plans.

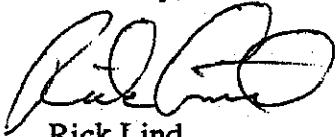
Tidal flow design includes construction of a riverbank breach and two tidal feeder channels into the interior of the island. Terrestrial habitat plantings will occur in two areas—on the riverbank and on habitat mounds designed to provide habitat diversity within the newly created tidal wetland. In addition, treatment is proposed to accelerate natural revegetation and elimination of star thistle on the upland portion of the project site. **Figure 2** shows the overall project design relative to the 140-acre site.

Mr. Richard Block
April 6, 1999
Page Two

SWRI SURFACE WATER
RESOURCES, INC.

We will provide you with a copy of the proposal when it is submitted to CALFED. We look forward to continuing to work with your organization on this project. Please feel free to contact me at (916) 325-4042 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Lind", with a stylized flourish at the end.

Rick Lind
Senior Project Manager

Enclosure

cc: John Sulpizio, Director
Port of Sacramento

Figure 1 - Regional Location and Project Area

SWRI SURFACE WATER
RESOURCES, INC.

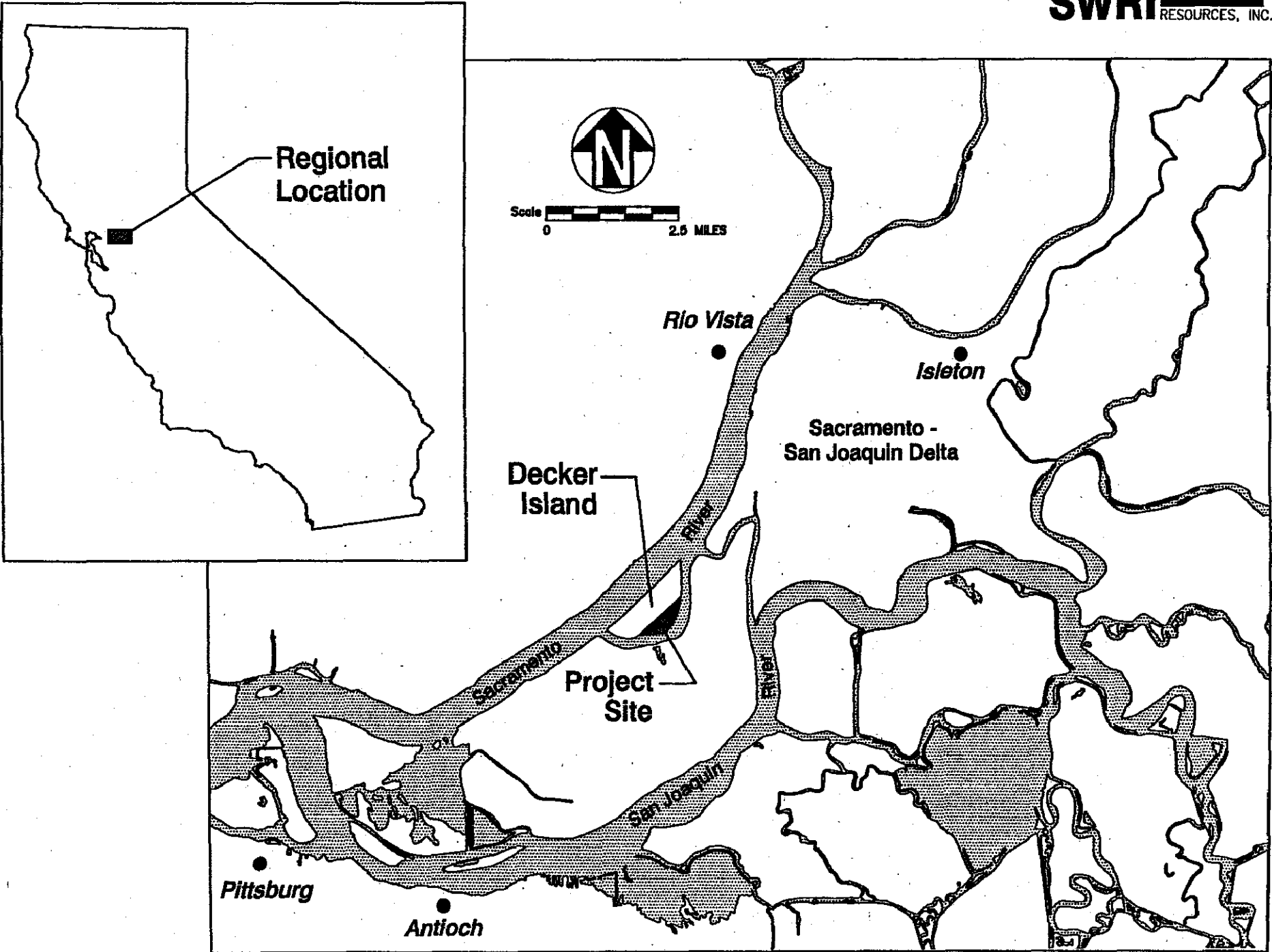


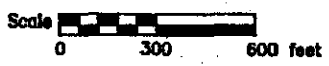
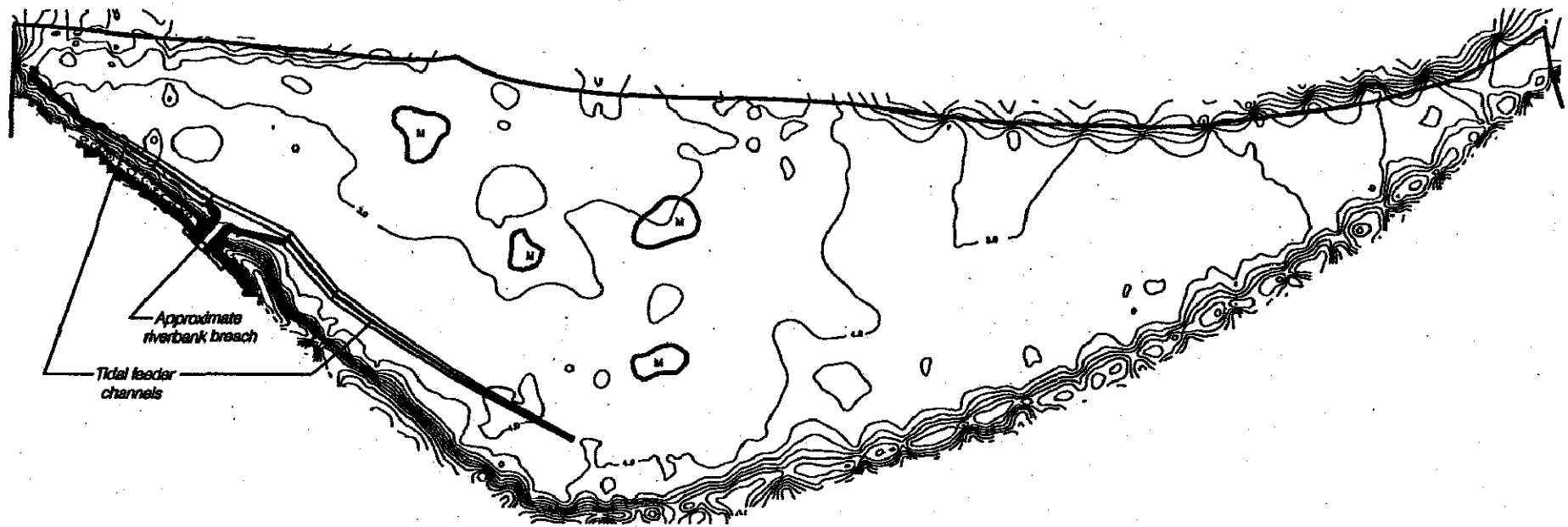


Figure 2

DECKER ISLAND TIDAL WETLAND ENHANCEMENT PILOT PROJECT

LEGEND

-  Port property boundary (approximate)
-  Mounds (approximately 1.8 total acres) to be created from proposed channel excavation



SWRI SURFACE WATER
RESOURCES, INC.

April 14, 1999

Delta Protection Commission
14215 River Road
Walnut Grove, CA 95690

Subject: Proposal to CALFED to Implement Decker Island Tidal Wetland Enhancement Pilot Project

Dear Commission Members:

This letter is to inform the Delta Protection Commission of a proposal that is being submitted to CALFED by Surface Water Resources, Inc. (SWRI) involving restoration of a tidal wetland on Decker Island. The Decker Island Tidal Wetland Enhancement Pilot Project would involve the restoration and monitoring of a tidal wetland on a 140-acre portion of Decker Island. Decker Island is located within the Sacramento-San Joaquin Delta, near the town of Rio Vista. It is bordered on the east by Horseshoe Bend of the original Sacramento River channel and on the west by the Deepwater Ship Channel. **Figure 1** is a regional map showing the location of Decker Island.

The objectives of the Decker Island Tidal Wetland Enhancement Pilot Project are to:

- Create self-sustaining tidally influenced wetland habitat that directly benefits special-status aquatic species (e.g., delta smelt, Sacramento splittail, all runs of chinook salmon, and steelhead), and indirectly benefits riparian and terrestrial species in an area (between Browns Island and Cache Slough/Prospect Island) where such resources are limited.
- Structure the enhancements and monitoring program as a pilot project that provides species habitat use, ecosystem development, and fish monitoring knowledge that directly benefits ongoing planning efforts for future larger-scale Delta restoration plans.

The proposed Decker Island aquatic and terrestrial habitat improvements will be accomplished by exposing up to approximately 100 acres (higher-high tide level) to tidal flows and by planting vegetation to promote riparian and upland revegetation of the project site. Tidal flow design includes construction of a riverbank breach and two tidal feeder channels into the interior of the island. Terrestrial habitat plantings will occur in two areas—on the riverbank and on habitat mounds designed to provide habitat diversity within the newly created tidal wetland. In addition, treatment is proposed to accelerate natural revegetation and elimination of star thistle on the upland portion of the project site. **Figure 2** shows the overall project design relative to the 140-acre site.

The project team responsible for planning, designing, and implementing the project includes Surface Water Resources, Inc. (SWRI), Hanson Environmental, Inc. (HEI), and Laugenour and Meikle (L&M). SWRI will be serving as the lead company in the proposal and will be responsible

April 14, 1999
Page Two

SWRI SURFACE WATER
RESOURCES, INC.

for project management. Please feel free to contact me with any questions or comments regarding the proposed Decker Island project.

Sincerely,

SURFACE WATER RESOURCES, INC.

A handwritten signature in black ink, appearing to read "D. Schuster", written in a cursive style.

David R. Schuster
Partner

Figure 1 - Regional Location and Project Area

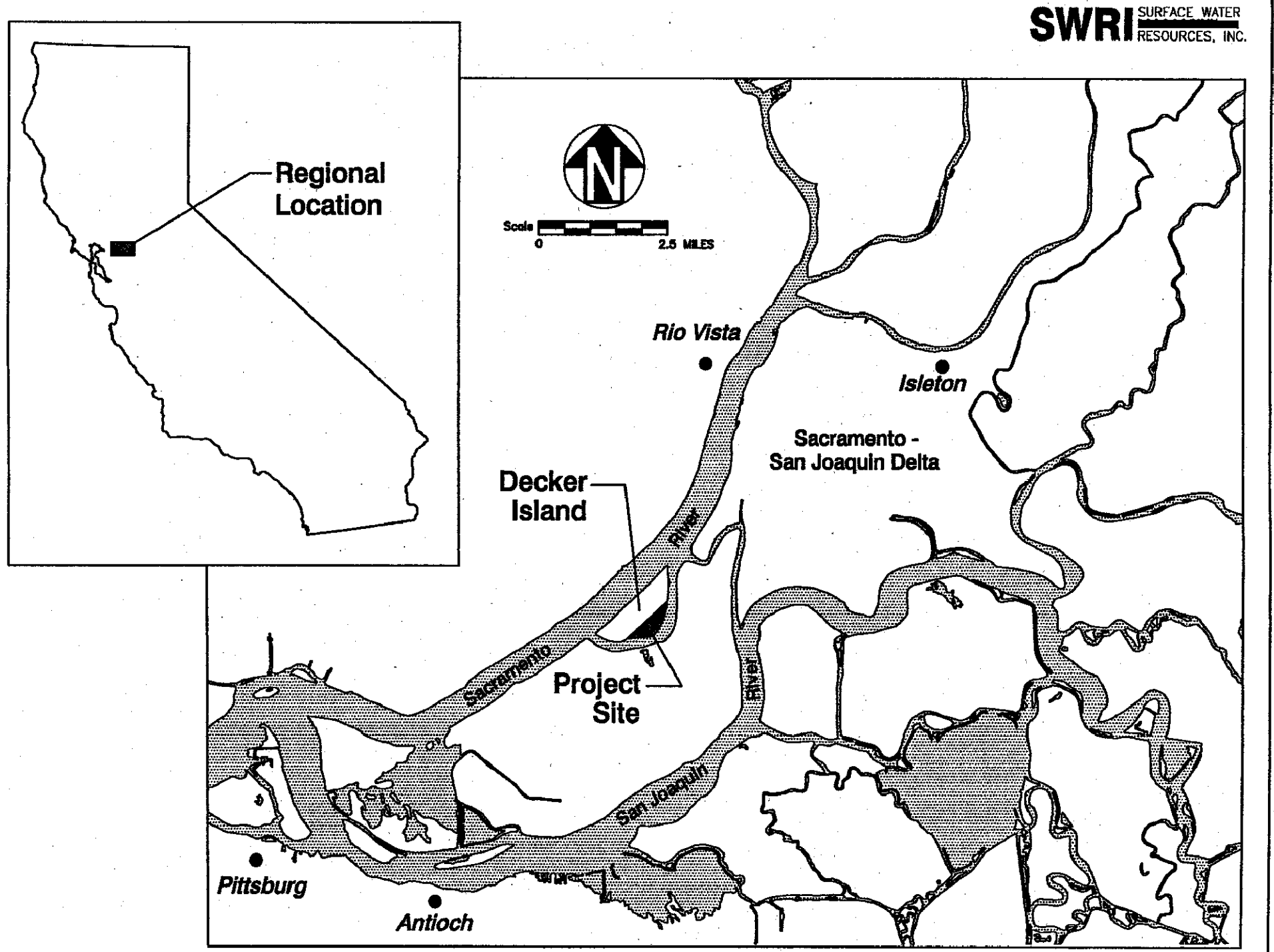


Figure 2

DECKER ISLAND TIDAL WETLAND ENHANCEMENT PILOT PROJECT

LEGEND



Port property boundary (approximate)

Mounds (approximately 1.8 total acres) to be created from proposed channel excavation



Scale 0 300 600 feet

SWRI SURFACE WATER
RESOURCES, INC.

DRAFT - Subject to Revision 4/6/99

Appendix B

Required State and Federal Forms

Nondiscrimination Compliance Statement

Standard Form 424 - Application for Federal Assistance

Standard Form 424C Budget Information

Standard Form 424D Assurances Construction Programs

*Certifications Regarding Debarment, Suspension and Other Responsibility
Matters, Drug-Free Workplace Requirements and Lobbying*

NONDISCRIMINATION COMPLIANCE STATEMENT

STD. 19 (REV. 3-95) FMC

COMPANY NAME

Surface Water Resources, Inc.

The company named above (hereinafter referred to as "prospective contractor") hereby certifies, unless specifically exempted, compliance with Government Code Section 12990 (a-f) and California Code of Regulations, Title 2, Division 4, Chapter 5 in matters relating to reporting requirements and the development, implementation and maintenance of a Nondiscrimination Program. Prospective contractor agrees not to unlawfully discriminate, harass or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, disability (including HIV and AIDS), medical condition (cancer), age, marital status, denial of family and medical care leave and denial of pregnancy disability leave.

CERTIFICATION

I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

David R. Schuster

OFFICIAL'S NAME

4-16-99

DATE EXECUTED

PROSPECTIVE CONTRACTOR'S SIGNATURE

EXECUTED IN THE COUNTY OF

Sacramento

PROSPECTIVE CONTRACTOR'S TITLE


Partner

PROSPECTIVE CONTRACTOR'S LEGAL BUSINESS NAME

Surface Water Resources, Inc.

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED 4/16/99	Applicant Identifier
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name: Surface Water Resources, Inc.		Organizational Unit:	
Address (give city, county, State, and zip code): 455 Capitol Mall, Suite 600 Sacramento, CA 95814		Name and telephone number of person to be contacted on matters involving this application (give area code): David R. Schuster 916/325-4050	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 00-0384309		7. TYPE OF APPLICANT: (enter appropriate letter in box) <div style="display: flex; justify-content: space-between;"> <div> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District </div> <div> H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____ </div> </div> <div style="text-align: right; margin-top: -20px;"> <input checked="" type="checkbox"/> M </div>	
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other(specify): _____		9. NAME OF FEDERAL AGENCY: CALFED	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: N/A		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Proposal to Implement Decker Island Tidal Wetland Enhancement Pilot Project	
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): Solano County			
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date 7/99	Ending Date 1/03	a. Applicant 3-5, 11	
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? N/A	
a. Federal	\$.00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
b. Applicant	\$.00		
c. State	\$.00		
d. Local	\$.00		
e. Other	\$.00		
f. Program Income	\$.00		
g. TOTAL	\$ 379,000	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes," attach an explanation. <input checked="" type="checkbox"/> No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Type Name of Authorized Representative David R. Schuster		b. Title Partner	c. Telephone Number 916/325-4050
d. Signature of Authorized Representative 		e. Date Signed 4-16-99	

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|-------|---|-------|--|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable). | 13. | Self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 7. | Enter the appropriate letter in the space provided. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:

-- "New" means a new assistance award.

-- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.

-- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

* To be negotiated.

OMB Approval No. 0348-0041

BUDGET INFORMATION -- Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Column a-b)
1. Administrative and legal expenses	\$ 31,650	\$	\$ 31,650
2. Land, structures, rights-of-way, appraisals, etc.	\$ *	\$	\$
3. Relocation expenses and payments	\$	\$	\$
4. Architectural and engineering fees	\$ 235,200	\$	\$ 235,200
5. Other architectural and engineering fees	\$	\$	\$
6. Project inspection fees	\$	\$	\$
7. Site work	\$	\$	\$
8. Demolition and removal	\$	\$	\$
9. Construction	\$ 111,900	\$	\$ 111,900
10. Equipment	\$	\$	\$
11. Miscellaneous	\$	\$	\$
12. SUBTOTAL	\$	\$	\$
13. Contingencies	\$	\$	\$
14. SUBTOTAL	\$	\$	\$
15. Project (program) income	\$	\$	\$
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ 378,750	\$	\$ 378,750
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share). Enter the resulting Federal share.			\$ 378,750

Enter eligible costs from line 16c Multiply X 100 %

INSTRUCTIONS FOR THE SF 424C

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0041), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This sheet is to be used for the following types of applications: (1) "New" (means a new [previous unfunded] assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to the effect minor (no cost) changes. If you have questions please contact the Federal agency.

Column a.--If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "COST CLASSIFICATIONS."

If this application entails a change to an existing award, enter the eligible amounts *approved under the previous award* for the items under "COST CLASSIFICATION."

Column b.--If this is an application for a "New" project, enter that portion of the cost of each item in Column a, which is *not* allowable for Federal assistance in determining the allowability of specific costs.

If this application entails a change to an existing award, enter the adjustment [+ or (-)] to the previously approved costs (from column a.) reflected in this application.

Column c.--This is the net of lines 1 through 16 in columns "a." and "b."

Line 1--Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchase of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2--Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line 3--Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line 4--Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line 5--Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line 6--Enter estimated engineering inspection costs.

Line 7--Enter estimated costs of site preparation and restoration which are not included in the basic construction contract.

Line 9--Enter estimated cost of the construction contract.

Line 10--Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11--Enter estimated miscellaneous costs.

Line 12--Total of items 1 through 11.

Line 13--Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14--Enter the total of lines 12 and 13.

Line 15--Enter estimated program income to be earned during the grant period. e.g., salvaged materials, etc.

Line 16--Subtract line 15 from line 14.

Line 17--This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

ASSURANCES -- CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

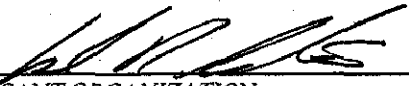
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Secs. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Secs. 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. Secs. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Secs. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Secs. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Secs. 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. Secs. 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made, and (j) the requirements of any other non-discrimination Statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. Secs. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Secs. 276a to 276a - 7), the Copeland Act (40 U.S.C. Secs. 276c and 18 U.S.C. Sec. 874), the Contract Work Hours and Safety Standards Act (40 U.S.C. Secs. 327-333), regarding labor standards for federally assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. Secs. 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. Secs. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. Secs. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. Sec. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Partner	
APPLICANT ORGANIZATION Surface Water Resources, Inc.		DATE SUBMITTED 4/16/99

U.S. Department of the Interior

**Certifications Regarding Debarment, Suspension and
Other Responsibility Matters, Drug-Free Workplace
Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used; use this form for certification and sign; or use Department of the Interior Form 1954 (DI-1954). (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

**PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters -
Primary Covered Transactions**

CHECK ☒ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -
Lower Tier Covered Transactions**

CHECK ☒ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK ☒ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about—
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will —
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted —
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

455 Capitol Mall, Suite 600
Sacramento, CA 95814

Check ☐ if there are workplaces on file that are not identified here.

PART D: Certification Regarding Drug-Free Workplace Requirements

CHECK ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

PART E: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements

CHECK ☒ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK ☐ IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL



TYPED NAME AND TITLE

David R. Schuster

DATE

April 16, 1999